

REMARKS

Claims 1, 8, and 10-16 are pending in this application. By this amendment the claims have been revised to illustrate that the invention, at least in part, relates to a system and method for non-ablative skin treatments. For this reason, the claims have been amended to specify that the source of electromagnetic radiation is a narrowband, multichromatic emitter. Examples of such emitters as well as support for this amendment are found in the original specification. As such, no new matter has been added.

Claims 1 and 8 have been rejected under 35 USC 112, first paragraph. It is the Examiner's contention that the requirement that method "causes no skin ablation" is not fully described in the specification, because no specific intensity of the stimulating energy is disclosed. The rejection is respectfully traversed, however, since those skilled in the art will recognize that skin ablation will vary depending on the type of human skin being treated (i.e., various skin types will begin to incur injury at varying energy intensities). Further, a key feature of non-ablative treatment is that it is conducted in a manner where it is ceased prior to the onset of thermal injury to the patient. The Examples included in the original specification show such a treatment regimen and provide a clear teaching to one of ordinary skill in the art how to make and use the invention. For this reason, applicant asserts that it is not necessary, or even possible to provide an exact energy intensity at which skin ablation will occur in each patient, thus the teaching of the specification is sufficient to support claims 1 and 8. For this reason, the rejection should be withdrawn.

Claims 10-16 have been rejected under 35 USC 102(e) over Tankovich. As the Examiner clearly notes in the Office Action, however, Tankovich's teaching is limited to lasers and flash lamps – monochromatic and broadband emitters of electromagnetic radiation. As noted, the claims have been amended to specify that the source of electromagnetic radiation of the present invention is a narrowband, multichromatic emitter. Neither of the light sources taught by Tankovich meet this limitation. Further, Tankovich does not contemplate the benefits of low-

intensity light therapy and, hence, non-ablative treatments. For this reason, one of ordinary skill in the art would not have looked to the teaching of Tankovich in order to receive guidance with respect to non-ablative treatments. For these reason, the rejection over Tankovich is now moot and should be withdrawn.

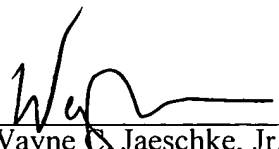
Claims 1 and 8 have been rejected under 35 USC 103(a) over the "Laser Hair Care 4000" brochure. As previously noted, the pending claims are now directed toward a system and method that employs a narrowband, multichromatic emitter of electromagnetic radiation. The laser system of the brochure does not meet this limitation. For this reason alone, the rejection must be withdrawn. Applicant notes, however, that the requirement of claims 1 and 8 that the claimed method not cause skin ablation must be given patentable weight, in view of applicants remarks herein. The system described in the brochure does not address this limitation and, thus, is not applicable to the present invention for that reason as well.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 509582000221. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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